



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
www.deq.state.va.us

Robert G. Burnley
Director
(804) 698-4000
1-800-592-5482

MINUTES STATE WATER CONTROL BOARD March 23, 2004 - House Room C General Assembly Building 9th & Broad Streets Richmond, Virginia

Board Members Present:

Carol C. Wampler, Chair
Leroy O. Pfeiffer, Jr.
John Bryan, Jr.

Gary H. Baise, Vice-Chair
H. Preston Futrell, Jr.

Board Members Absent:

Myron P. Erkiletian

Komal K. Jain

Staff Present:

Robert G. Burnley, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Rick Linker, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 9:30 a.m. on Tuesday, March 23, 2004, recessed at 12:03 p.m., reconvened at 1:52 p.m. and was adjourned at 3:50 p.m.

Approved Minute No. 2
June 17, 2004



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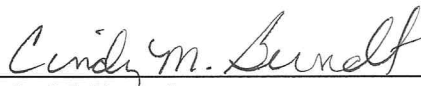
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 1 - Minutes

The Board approved the minutes from the October 28 and December 4, 2003 meetings.


Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 2 – Impaired Waters List

Alan Pollock of the Office of Water Quality Programs provided the Board a summary of the results of the 2004 Water Quality Assessment and Impaired Waters List that was released for public comment on March 22. This is the first assessment cycle that presents all of the results in one integrated report and categorizes all waters of the Commonwealth. Approximately 13.7%, or 6,900 miles of streams are not meeting water quality standards and are included on the Impaired Waters List. This represents an increase from the 4,400 miles of streams on the 2002 List. Approximately 12.5%, or 6,300 miles of stream are meeting standards, while the remaining 74% or 37,300 miles of streams and rivers in the Commonwealth did not have sufficient data to determine whether they support one of the use categories. The main reasons for the increase in impaired waters included: 1. Additional waters were assessed that had not been monitored previously; 2. All impaired waters from prior assessments stay on the List until data shows they are meeting standards; and, 3. New, more restrictive, bacteria standards.

After the agency reviews public comments on the Assessment, the final integrated report will be submitted to EPA as required by the Clean Water Act.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director, Water Quality Division



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF March 23, 2004

MINUTE NO. 3 – Permit Terminations

Jon van Soestbergen, Director of the Office of Water Permit Programs, introduced the staff recommendation concerning the termination of two VPDES permits, termination of two VPA permits, and termination of coverage for two projects under VWP permit WP4.

Board Decision

The Board voted unanimously to approve the terminations of permits for:

VPDES Permit No.

VA0086991

VA0025348

VPA Permit No.

VPA00544

VPA00545

VWP Permit No.

WP4-02-0504

WP4-02-1201

Peterson Management Company

L&M Properties, LLC

Syangro Mid-Atlantic, Inc.

Pencrest Dairy – Glenn Landis

Arcadia Bldg. Co. – Potomac Crossing, South Portion

Rick Snyder, Edgemoore Homes, Inc. – Avonlea

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director, Division of Water Programs Coordination



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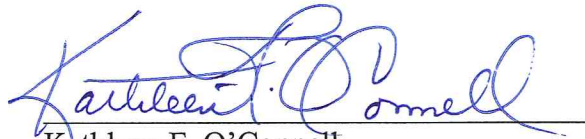
EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 4 – Report on Facilities in Significant Noncompliance

Kathleen O'Connell, Water Enforcement Program Manager presented to the Board the Report on Facilities in Significant Noncompliance for the quarter ending December 2003. The facilities and their reported instances of noncompliance were:

1. Alexandria Sanitation Authority, Alexandria Advanced Wastewater Treatment Plant - Failure to meet Phosphorus and Total Suspended Solids effluent limits.
2. Town of Culpeper, Culpeper Wastewater Treatment Plant - Failure to meet Ammonia as Nitrogen effluent limit.
3. City of Roanoke, Roanoke Regional Water Pollution Control Plant – Failure to meet Total Kjeldahl Nitrogen and Phosphorus effluent limits.
4. Omega Protein, Inc. - Failure to meet Ammonia as Nitrogen effluent limit.

The Board accepted the report.



Kathleen F. O'Connell
Water Enforcement Program Manager



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO 5. – Cancellation of Consent Special Orders

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board several consent special orders for cancellation. Ms. O'Connell reported that staff had confirmed that the requirements of the orders had been substantially met and that it was therefore appropriate for the Board to cancel the orders. The orders to be cancelled were issued to:

1. Bunker Hill Foods, Inc. (Orders Issued June 6, 1999 and December 10, 1999)
2. Camp Virginia Jaycees, Inc. (Order Issued June 16, 1999)
3. Ferrum Water and Sewage Authority (Order Issued June 16, 1997 and Amended February 19, 1998)
4. Westvaco Corporation (Order Issued April 30, 1997 and Amended February 11, 2002)
5. Chester Development Associates, L.L.C. (Order Issued October 30, 2003)

The Board unanimously approved cancellation of the referenced orders.

A handwritten signature in blue ink, reading "Kathleen F. O'Connell", is written over a horizontal line.

Kathleen F. O'Connell
Water Enforcement Program Manager



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

West Central Regional Office
3019 Peters Creek Road, Roanoke, Virginia 24019
Telephone (540) 562-6700, Fax (540) 562-6725
www.deq.state.va.us

Robert G. Burnley
Director

Steven A. Dietrich
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 6 - West Central Regional Office VWP Consent Special Orders

Steven A. Dietrich of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Order for the Town of Rocky Mount and the County of Franklin for the Trinity Packaging Site.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Order for:

The Town of Rocky Mount and the County of Franklin for the Trinity Packaging Site
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.

A handwritten signature in cursive script that reads "Steven A. Dietrich".

Steven A. Dietrich, P.E.
Regional Director
West Central Regional Office



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

PIEDMONT REGIONAL OFFICE

4949-A Cox Road
Glen Allen, Virginia 23060
(804) 527-5020
Fax (804) 527-5106
www.deq.state.va.us

Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT IT'S MEETING ON MARCH 23, 2004**

MINUTE NO. 7- VWP Consent Special Orders

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order settlements for Carrington L.L.C. (Carrington Subdivision) and Rudolph, Inc., (Kingsland Glen Subdivision).

Carrington L.L.C., (Carrington Subdivision) owns an 80 acre residential development in Henrico County, Virginia. During a file review and a series of site inspections several violations of the VWP Permit were identified. Site inspections identified problems with erosion and sediment control practices and unauthorized impacts to wetlands. Administrative violations included failure to submit final plans and specifications and failure to submit documentation of wetland credit purchase. Three NOV's were issued between October 2002 and June 2003 for the above violations.

The Order requires the installation of additional erosion and sediment control measures, removal of sediment from the stream, submission of revised plans and specifications, proof of wetland credit purchase and application for a permit modification. The Order also provides for a \$9,500 civil charge.

Rudolph, Inc., (Kingsland Glen Subdivision) owns a 113 acre residential development in Chesterfield, Virginia. Review of the permit application indicated that the wetland impacts had been made prior to obtaining a permit. In February 2003, a NOV was issued for failure to obtain a permit.

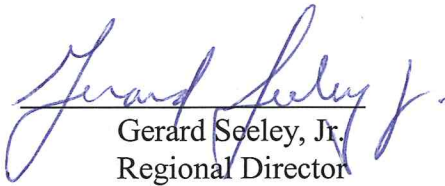
The Order requires the submission of a complete permit application and documentation of the purchase of mitigation bank credits. The Order also includes a \$6,000 civil charge.

Board Decision

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for :

Carrington L.L.C., (Carrington Subdivision)
Rudolph, Inc., (Kingsland Glen Subdivision) (Mr. Bryan abstained)
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.
Regional Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 8 - VRO – VWP Consent Special Orders

Edward Liggett, VRO enforcement staff, presented and introduced the staff recommendations concerning proposed Consent Special Orders for Bridgewater College, Hollymead Town Center, LLC and United Land Corporation of America, Inc.

On July 15, 2003, DEQ issued coverage to Bridgewater College under VWP General Permit. The Permit authorizes the impact of 550 feet of linear emergent wetland that is approximately 12 feet wide (0.15 acre). The authorized impacts are associated with construction of Bridgewater College's New Student Housing Project. The Permit required mitigation of the impacts through the purchase of 0.15 credit from the Shenandoah Wetlands Bank, LLC. In late July 2003, a third party working for Bridgewater College commenced construction activities at the Project. In August 2003, DEQ staff inspected the Project to evaluate compliance with the Permit and observed that construction activities had impacted areas beyond the scope of those areas authorized for impact under the Permit. Specifically, staff observed that construction activities were impacting an additional 0.30 acre of wetland.

The Order requires Bridgewater College to compensate for the additional impacts through the purchase of additional wetland credits from the Shenandoah Wetlands Bank, LLC. The Order assesses a civil charge of \$5,850.

The public notice period for the proposed Consent Order was completed on March 10, 2004, and no comment was received.

The Hollymead Town Center Project – Area A & B is a commercial real estate development located along Route 29 in Albemarle County south of the Charlottesville Airport. On May 29, 2003, DEQ issued coverage to Regency Centers, LLC under a Virginia Water Protection Permit for activities associated with construction of the Project. The Permit authorized certain impacts

to emergent wetlands and intermittent stream channel. Under the terms of the Permit, impacts are to be mitigated on site at a 1:1 ratio. On October 21, 2003, DEQ staff inspected the Project and observed that impacts had occurred that were outside the scope of those authorized under the Permit. Among other things, staff observed that 17 linear feet of an unnamed tributary of Powell Creek located outside of the permitted impact area had been impacted by construction activities being performed by a company called United Land Corporation of America. Staff also observed that the Project construction site was configured to discharge stormwater from the site into an unnamed tributary of Powell Creek. Staff noted that the Project construction site had not been issued coverage under a General VPDES Permit authorizing discharge of stormwater from the Project construction site. On October 29, 2003, staff of DEQ met with representatives of ULCA and Regency to discuss the apparent violations observed during the October 21, 2003, inspection. The representatives of Regency and ULCA advised DEQ that the Project would be divided in two (separating Areas A & B) and that Regency and ULCA would be developing the areas separately. DEQ staff advised Regency and ULCA that it was advisable to separate the Project into two VWP permits according to ownership. During the meeting, ULCA submitted a registration statement for the entire Project for coverage under a General VPDES Permit for construction site stormwater management. Regency indicated its intent to DEQ to change ownership of the Permit from Regency to Hollymead Town Center, LLC. Coverage under a VPDES General Permit for construction site stormwater management was issued to ULCA on October 30, 2003. A separate enforcement action is being taken against ULCA regarding the 17 linear feet of unpermitted impact and unpermitted stormwater discharge.

The Order requires Hollymead to modify its VWP Permit for that portion of the Project it will develop. DEQ has issued the modified Permit to Hollymead. The Order assesses a civil charge of \$3,500.

The public notice period for the proposed order closed on March 10, 2004. One comment was received, which is included in the Board book along with staff's response. To summarize, the commenter expressed concern about the adequacy of the erosion and sedimentation controls on the project to protect the quality of Hollymead Lake. In response, staff contacted the E&S jurisdiction which, in this case, is Albemarle County. The E&S control officer for the County stated that he considered the E&S controls to be adequate and properly functioning. This information was passed along to the commenter.

The Hollymead Town Center Project – Area A & B ("the Project") is a commercial real estate development located along Route 29 in Albemarle County south of the Charlottesville Airport. On May 29, 2003, DEQ issued coverage to Regency Centers, LLC under a Virginia Water Protection Permit for activities associated with construction of the Project. The permit authorizes Regency to fill 0.14 acre of Palustrine Emergent wetlands, 0.02 acre Palustrine Open

Waters and 1,464 linear feet of intermittent stream channel for the development of the Project. Under the terms of the permit, impacts are to be mitigated on site at a 1:1 ratio. On October 21, 2003, DEQ staff inspected the Project and observed that construction of the Project had commenced by United Land Corporation of America ("ULCA") and that impacts authorized by the permit had occurred. Staff also observed that impacts had occurred that were outside of the scope of those authorized under the permit. Specifically, staff observed that 17 linear feet of an unnamed tributary of Powell Creek located outside of the permitted impact area had been impacted by ULCA's construction activities. Staff also observed that the Project construction site was configured to discharge stormwater from the site into an unnamed tributary of Powell Creek. Staff noted that the Project construction site had not been issued coverage under a General VPDES Permit authorizing discharge of stormwater from the Project construction site. On October 29, 2003, staff of DEQ met with representatives of ULCA and Regency to discuss the apparent violations observed during the October 21, 2003, inspection. The representatives of Regency and ULCA advised DEQ that the Project would be divided in two (separating Areas A & B) and that Regency and ULCA would be developing the areas separately. DEQ staff advised Regency and ULCA that it was advisable to separate the Project into two VWP permits according to ownership. During the meeting, ULCA submitted a registration statement for the entire Project for coverage under a General VPDES Permit for construction site stormwater management. Coverage under VPDES General Permit No. VAR103071 for construction site stormwater management was issued to ULCA on October 30, 2003. On November 14, 2003, DEQ-VRO issued a Notice of Violation to ULCA citing violations of State Water Control Law, the VWP Regulation and the VPDES Regulation. A separate enforcement action is being taken against Regency (now Hollymead) regarding violations of its Virginia Water Protection Permit.


The Order requires ULCA to apply for a VWP Permit for that portion of the Project it will develop. The Order requires ULCA to mitigate the 17 linear feet of impact taken outside of the Project's originally permitted area. The Order assesses a civil charge of \$2,000.

The public notice period for the proposed order closed on March 10, 2004. One comment was received. The comment and staff's response to the comment are included in the Board book. To summarize, the commenter expressed concern about the adequacy of the erosion and sedimentation controls on the project to protect the quality of Hollymead Lake. In response, staff contacted the E&S jurisdiction which, in this case, is Albemarle County. The E&S control officer for the County stated that he considered the E&S controls to be adequate and properly functioning. This information was passed along to the commenter.

Board Decision

Based on the staff's presentation of the Consent Special Orders and recommendation, the Board unanimously voted to:

1. approve the Consent Special Orders for Bridgewater College, Hollymead Town Center, LLC and United Land Corporation of America, Inc;
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violations of these Orders to the Attorney General's Office for appropriate legal action.


R. Bradley Chearning, P.E.
Regional Director
Valley Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 9 - VRO – Oil Consent Special Orders

Edward Liggett, VRO enforcement staff, presented and introduced the staff recommendations concerning proposed Consent Special Orders for C. L. Custer, Inc., H. N. Funkhouser and Co./Handy Mart No. 9, Robert W. Claytor and JERM Ltd. d/b/a/ Northside Market.

On November 5, 2002, an employee of C. L. Custer, the owner and operator of an AST facility, overfilled a 17,000-gallon diesel AST during a rain event and failed to observe or report that there was a discharge. The discharge, which was approximated at 550 gallons, flowed into a storm drainage ditch and was observed by a nearby landowner.

On November 6, 2002, DEQ staff responded to the spill and consultants were hired by Custer to contain and remove any residual product and contaminated soil resulting from the discharge.

On November 20, 2002, DEQ staff conducted a formal inspection of the Facility. DEQ noted additional deficiencies during this inspection.

On January 15, 2002, Custer's consultant met with DEQ staff to discuss certain requirements of the regulations and to convey continuing developments of the Facility remodeling project. Detailed information regarding the requirements of the Regulation was provided to the contractor. Custer signed a Consent Special Order with DEQ on July 15, 2003, agreeing to payment of civil penalties in addition to significant upgrades to the AST (above-ground storage tank) facility. A second CSO was signed, amending and thereby superceding the first CSO, on December 5, 2003, because Custer elected to replace all ASTs on-site with new USTs (underground storage tanks) instead of upgrading the ASTs, requiring amendment to the Appendix A of the Order.

The proposed Order addresses each deficiency noted during the November 20, 2002, inspection of the AST facility and assesses a civil charge. In addition, Appendix A of the Order required

Custer to submit a UST Notification Form 7530 for all newly-installed USTs by December 31, 2003, and, addressing PC (Pollution Complaint) #2003-6041, to respond to any further requests by DEQ for SCR Addenda. Custer has complied with Appendix A and is presently operating in compliance with all regulatory provisions. The Order assesses a civil charge of \$10,607.

The public notice period for the proposed Order closed on February 12, 2004 and no comment was received.

H. N. Funkhouser and Co. (Funkhouser) owns and operates an underground storage tank (UST) facility located in Stephens City, Virginia. The UST regulations require that owners of UST facilities protect steel components of the USTs from corrosion, properly upgrade or close non-compliant USTs by December 22, 1998, properly register USTs and maintain compliance records for DEQ review. A February 2002, UST inspection performed at the facility revealed that Funkhouser was not protecting steel components of the USTs from corrosion, had not properly upgraded or closed non-compliant USTs, provided incorrect UST registration information and failed to maintain compliance records for DEQ review. The inspection also resulted in the discovery of a confirmed release of petroleum. The release investigation was closed on January 10, 2003. DEQ issued a Notice of Violation to Funkhouser on July 23, 2003.

In October of 2003, Funkhouser informed DEQ of its intention to replace the USTs. Funkhouser has replaced the USTs and complied with the conditions of Appendix A in the Order. This satisfies the violations noted in the NOV and no additional corrective action is sought under the Order. The Order assesses a civil charge of \$11,987.

The public notice period for the proposed order closed on February 26, 2004, and no comment was received.

Robert W. Claytor owns and operates an underground storage tank (UST) facility located in Strasburg, Virginia. The UST regulations require that owners of UST facilities protect steel components of the USTs from corrosion, perform release detection on USTs and associated piping, properly close out-of-service USTs, properly register USTs and maintain compliance records for DEQ review. A January 2002, formal UST inspection performed at the facility revealed that Claytor was not protecting steel components of the USTs from corrosion, performing release detection on USTs and associated piping, had not properly closed out-of-service USTs, provided incorrect UST registration information and failed to maintain compliance records for DEQ review. DEQ issued a Warning Letter (WL) to Claytor for these alleged violations. Claytor responded to the WL by providing copies of passing release detection records for all USTs and failing corrosion protection test results for most of the USTs. Claytor then entered into a Letter of Agreement (LOA) to resolve the remaining issues by properly closing the

existing USTs by August 15, 2002. Additionally, the LOA required Claytor to submit correct UST registration and material-of-construction documentation.

In May of 2003, Claytor demonstrated that most of the violations previously noted were resolved as a result of the closure of many of the USTs. However, Claytor failed to submit correct registration information and proof of material-of-construction for one remaining UST. As a result of the continuing violation regarding submittal of incorrect UST registration information and failure to provide requested UST compliance documentation, DEQ issued a Notice of Violation to Claytor.

Claytor provided updated and purportedly correct UST registration information to DEQ on August 9, 2003. He did not submit supporting documentation for the UST's material-of-construction until October 7, 2003. This satisfies the violations noted in the NOV and no corrective action is sought under the Order. The Order assesses a civil charge of \$500.

The public notice period for the proposed order closed on February 26, 2004. No public comment was received.

JERM Ltd. d/b/a Northside Market owns and operates an underground storage tank (UST) facility located in Lovingson, Virginia. The UST regulations require that owners of UST facilities perform release detection on the USTs and associated piping, protect steel components of the USTs from corrosion and install overfill and spill prevention on the USTs. A UST inspection conducted by DEQ staff in March 2002 revealed that JERM had incorrectly registered the USTs and was operating the USTs without adequate corrosion protection and without performing release detection in violation of the UST regulations. DEQ issued a Notice of Violation to JERM on May 22, 2003. JERM subsequently informed DEQ staff of its intent to close the USTs.

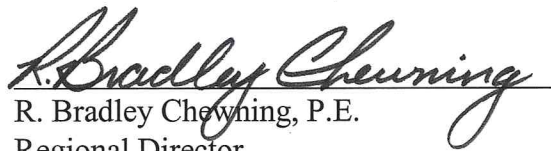
Based on the information from the UST inspection reports, JERM had no records of performing release detection on the USTs or of testing the corrosion protection system (CP) at the required intervals. JERM never provided release detection records for the USTs, but it did provide copies of passing CP test results. JERM did not comply with the UST Regulations while the USTs were in use, and was only able to comply by placing the USTs in temporary closure, which it did in October of 2003. Based on this temporary closure, the facility is in compliance with the UST regulations. The proposed order requires JERM to permanently close the USTs by October 30, 2004. The Order assesses a civil charge of \$3,500.

The public notice period for the proposed order closed on February 26, 2004 and no comment was received.

Board Decision

Based on the staff's presentation of the Consent Special Orders and recommendation, the Board unanimously voted to:

1. approve the Consent Special Orders for C. L. Custer, Inc., H. N. Funkhouser and Co./Handy Mart No. 9, Robert W. Claytor and JERM Ltd. d/b/a/ Northside Market;
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violations of these Orders to the Attorney General's Office for appropriate legal action.

A handwritten signature in dark ink, reading "R. Bradley Chewing", is written over a horizontal line.

R. Bradley Chewing, P.E.

Regional Director

Valley Regional Office



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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

5636 Southern Boulevard
Virginia Beach, VA 23462
www.deq.state.va.us

Robert G. Burnley
Director

Francis L. Daniel
Tidewater Regional Director
(757) 518-2000

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 10 – Tidewater Regional Office Oil Consent Special Order

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation concerning a Consent Special Order with a civil charge.

C&M Industries, Inc.

On October 31, 2001, Barge B-1 which is owned by C&M Industries, Inc. ("C&M") was offloading fuel oil from the USS San Jacinto which was in drydock at the Metro Machine yard in Norfolk. The B-1 was to transport the fuel from Metro to the Navy's Craney Island Fuel Facility. A concealed and unmarked I-beam protruding from the drydock below the waterline ripped a three inch gash in the mid-port side cargo tank of Barge B-1 when the barge was pulled away from the drydock by a tugboat. C&M and its oil spill response contractor immediately responded to the release, boomed off the barge and drydock, and implemented its Coast Guard-approved Vessel Response Plan. From tank soundings, it is estimated that approximately 8,500 gallons of fuel oil was discharged from the barge into the water. At the time of the spill, Barge B-1 had not filed and did not have an approved Oil Discharge Contingency Plan with DEQ.

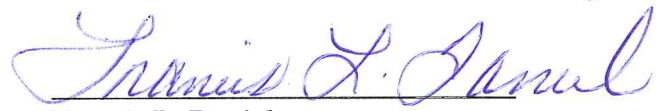
The Order requires C&M to notify DEQ of any newly acquired tank vessels 30 days prior to transporting oil in them and ensure that all newly acquired vessels are in full compliance with the Virginia Regulations prior to transporting oil in them. The Order includes a civil charge of \$42,000 of which \$12,000 is to be paid within 30 days and \$30,000 may be offset by the completion of a supplemental environmental project. The supplemental environmental project is the construction of a new oyster reef in the Southern Branch of the Elizabeth River. In addition, C&M is required to reimburse the Commonwealth \$221 for investigative costs. No comments were received during the public comment period.

Mr. Patrick Genzler, attorney for C&M, responded to questions from the Board.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Order for C&M Industries, Inc.;
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violation of the Order to the Attorney General's Office for appropriate legal action.



Francis L. Daniel

Director, Tidewater Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

5636 Southern Boulevard
Virginia Beach, VA 23462
www.deq.state.va.us

Robert G. Burnley
Director

Francis L. Daniel
Tidewater Regional Director
(757) 518-2000

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

**MINUTE NO. 11 – Tidewater Regional Office Virginia Pollutant Discharge
Elimination System Consent Special Orders
A/H Olde Towne Marketplace, L.L.C.
Terry/Peterson Development One, L.L.C. and Terry/Peterson
Residential Ten, L.L.C.**

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation concerning two Consent Special Orders with civil charges.

A/H Olde Towne Marketplace, L.L.C

A/H Olde Towne Marketplace, L.L.C. owns and operates the Oak Hall Shopping Center which is served by a package sewage treatment plant ("STP"). During the period January 2003 through November 2003, the discharge from the STP exceeded the permitted total suspended solids effluent limitation in March, April, July, August, September, October and November, the fecal coliform limit in February, March, April, June, July, August, October and November, the dissolved oxygen limit in February, March, April, May, June, July, August, September and October, the total kjeldahl nitrogen limit in July, August, September, October and November, and the carbonaceous biochemical oxygen demand limit in August and November. Old Towne has taken corrective actions to address the referenced violations.

The Order requires the facility to conduct an evaluation of toxicity sources, comply with the permit, and pay a civil charge of \$8,000. No comments were received during the public comment period.

Terry Peterson Residential Companies

Terry/Peterson Development One, L.L.C. and Terry Peterson Residential Ten, LLC own Tracts 5, 6, and 7 in the Eagle Harbor residential development located in Isle of Wight County, VA. Staff inspected the site between December 2002 and March 2003 and


observed several stormwater general permit violations including failure to comply with the storm water pollution prevention plan and nine unauthorized discharges of sediment laden water from Tracts 5 and 7 flowing toward Ragged Island Creek and adjacent wetlands. Terry Peterson Residential Companies failed to report eight of the unauthorized discharges to DEQ.

The Order requires that Terry Peterson Residential Companies pay a civil charge of \$14,240. No comments were received during the public comment period.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Orders for A/H Olde Towne Marketplace, L.L.C., Terry/Peterson Development One, L.L.C. and Terry/Peterson Residential Ten, L.L.C.
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of the Orders to the Attorney General's Office for appropriate legal action.



Francis L. Daniel
Director, Tidewater Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

SOUTH CENTRAL REGIONAL OFFICE
7705 Timberlake Road, Lynchburg, Virginia 24502
(434) 582-5120 Fax (434) 582-5125
www.deq.state.va.us

Robert G. Burnley
Director

Thomas L. Henderson
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. XII - South Central Regional Office Consent Special Orders

Harry F. Waggoner of the Department of Environmental Quality, South Central Regional Office, introduced the staff recommendation concerning the proposed Consent Special Order for the Town of Victoria West Wastewater Treatment Plant.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Order for:

Town of Victoria West Wastewater Treatment Plant
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Order to the Office of the Attorney General for appropriate legal action.

A handwritten signature in blue ink, appearing to read "T. Henderson", written over a horizontal line.

Thomas L. Henderson
Regional Director
South Central Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 fax (703) 583-3801
www.deq.state.va.us

Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 13 – VPDES - Consent Special Orders

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented two proposed Consent Special Orders for the Board's consideration.

Ms. Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Orders. Following the presentation, Ms. Crosier made the staff recommendation regarding the proposed Orders.

The first Order is intended to ensure that the Boston Water & Sewer Company's sewage treatment plant ("STP") consistently complies with its VPDES Permit effluent limits. The STP provides wastewater treatment for a conference center and a direct mail printing company and is small with influent flows averaging one to two thousand gallons a day. During part of 2003, the STP exceeded effluent limits for ammonia, biochemical oxygen demand, and total suspended solids primarily because of low organic loadings coming into the STP and elevated zinc levels in the printing company's influent. The STP also exceeded the whole effluent toxicity ("WET") limit in October 2003 because of inadequate treatment and removal of dechlorination tablet residue in the effluent.

In addition to the operational improvements Boston Water & Sewer has already implemented to address the cause of the exceedences, the Order requires that the Company conduct regular influent monitoring to ensure that incompatible materials do not enter the STP from the printing company again and to determine organic loadings so that the feedstock can be augmented when necessary. The Order also requires that South Wales execute an agreement with the printing company requiring that the printer discharge only ordinary domestic sewage to the STP and that the Company submit a corrective action plan to treat and remove dechlorination tablet residue. Finally, Boston Water & Sewer has agreed to payment of a \$1,960 civil charge.

The second Order is intended to ensure South Wales Utility, Inc. wastewater treatment plant's ("WWTP") consistent compliance with VPDES Permit effluent limits. The WWTP has a rated design capacity of 70,000 gallons a day with treatment consisting of extended aeration,

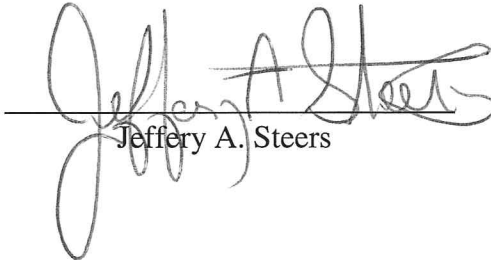
clarification, and disinfection. In August 2002, the WWTP's secondary clarifier drive failed causing the sludge scraper to break. Because of the equipment failure, the WWTP could not effectively manage solids and exceeded Permit effluent limits for total suspended solids, biochemical oxygen demand, and ammonia. The proposed Order requires that South Wales replace the secondary clarifier and conduct in-stream monitoring for dissolved oxygen and ammonia during construction. The Order also provides interim effluent limits for ammonia, biochemical oxygen demand, and total suspended solids and requires payment of a \$6,580 civil charge.

Mr. James E. Ryan, Jr., attorney for South Wales, spoke on behalf of the Company regarding the proposed Order and civil charge. Mr. Ryan stated, among other things, that South Wales is committed to complying with its VPDES Permit and requested that the Board either reduce or eliminate the civil charge in the proposed Order. The Board asked for staff's comments regarding Mr. Ryan's request, and staff spoke in favor of denying the request and leaving the civil charge as proposed at \$6,580.

Decision

Based on the briefing material and the staff presentation, comments, and recommendations, the Board voted unanimously to:

1. Approve the proposed Consent Special Orders regarding the Boston Water & Sewer sewage treatment plant and the South Wales Utility, Inc. wastewater treatment plant;
2. Authorize the Director or his designee to sign the Orders on the Board's behalf; and
3. Authorize the Director or his designee to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.



Jeffery A. Steers



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

PIEDMONT REGIONAL OFFICE

4949-A Cox Road
Glen Allen, Virginia 23060
(804) 527-5020
Fax (804) 527-5106
www.deq.state.va.us

Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON MARCH 23, 2004

MINUTE NO. 14 - VPDES Consent Special Orders

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order settlements for BFI Waste Systems of VA, L.L.C., Brunswick County School Board, Honeywell International Inc., IndMar Coatings Corporation, St. Paul's College, Sussex County School Board, and the Town of Warsaw.

The BFI Waste Systems of VA, L.L.C. (Old Dominion Landfill) operates a municipal solid waste management facility in Richmond, Virginia. During routine water monitoring activities, DEQ staff observed low pH values in Almond Creek. A subsequent investigation traced the low pH to BFI's Old Dominion Landfill. Three sources on the property were identified as contributing to the low pH condition. The facility's general stormwater permit does not allow discharges that exceed water quality standards. The Department issued a Notice of Violation ("NOV") in December 2002 citing pH discharges in violation of water quality standards.

The Order requires submission of a permit application and plan for separating the landfill operations stormwater from the old quarry pond system. The Order also requires weekly pH monitoring until separation of the stormwater is completed; collection of the underdrain discharge, pH adjustment and storage or discharge through the separated stormwater system; as well as a \$28,000 civil charge.

The Brunswick County School Board has two schools, which experienced permit effluent limit violations. The schools also had administrative violations as well, including use of inappropriate reporting forms, inadequate reporting of data, and failure to submit revised operations and maintenance manuals. A NOV was issued to both schools in February 2003. The primary cause of the violations was due to poor operation and maintenance. The School Board has since hired a consultant to assist in operations of the wastewater systems.

The Order requires submission of written procedures for sampling and reporting requirements, purchase of a pH meter, or use of a consultant to perform pH monitoring and development of a

corrective action plan to bring the Meherrin-Powellton facility into compliance with the permit pH limits. The Order also requires a \$2,700 civil charge.

On May 6, 2003, Honeywell reported a release of 2,500 gallons of hydroxylamine sulfate that occurred due to a pipe failure. The release was initially contained but a previously unidentified cross connection allowed the release to enter the process sewer. This release resulted in a discharge of low pH wastewater resulting in a fish kill. A NOV was issued on June 5, 2003 for the unauthorized discharge and impact to water quality standards.

The Order requires the facility to conduct a containment system verification testing in the North Pipe Bridge Containment, Area 8 Diversion, Area 6 Low Flow Diversion, and Area 9 D & E Containment. The Order also required a \$30,000 civil charge and a \$1,323 reimbursement for DEQ's staff costs in investigating the fish kill. The facility is also required to reimburse the Virginia Department of Game and Inland Fisheries \$15,854 for replacement of the fish.

IndMar Coatings Corporation owns and operates a paint and coatings manufacturing facility in Wakefield, Virginia. Inspections conducted at the facility noted that the facility was operating without an industrial stormwater permit. The facility was provided permit application forms on a number of occasions. An incomplete permit application was submitted in April 2003. The facility failed to complete the permit application process. A NOV was issued for operating without an industrial stormwater permit.

The Order requires submission of a complete permit application including the complete Stormwater Pollution Prevention Plan and provides for the payment of a \$1,000 civil charge.

In May 2003, St. Paul's College reported a discharge of untreated sewage from the conveyance system at the college. The College was slow to respond to the discharge. The current conveyance system is old, located in a flood plain, and experiences significant inflow and infiltration. The college has initiated the process to secure funding for sewer system improvements.

The Order requires increased inspection and maintenance activities, submission of funding requests for sewer rehabilitation. The Order also requires a \$5,000 civil charge.

The Sussex County School Board serves a school complex whose sewage treatment plant has experienced numerous permit effluent limit violations. This is a relatively new treatment plant, which was designed to treat 30,000 gpd. A new school and subdivision originally planned for the area never developed resulting in substantially lower flows to the treatment plant. This low flow creates operational problems causing the plant to operate inefficiently.

The Order requires submission of a corrective action plan to address design and operational issues at the treatment plant to bring the plant back into compliance with the permit limits. The School Board has six months to evaluate the success of the corrective action plan. If the corrective action plan fails to bring the plant into compliance, then the School Board has to upgrade the facility. The Order also provides for interim effluent limits until the construction has

been completed. The Order provides for a \$3,600 civil charge.

The Town of Warsaw owns and operates a sewage treatment plant in Richmond County, Virginia. In July 2002, an unauthorized sewage discharge occurred from the conveyance system pump station. The sewage treatment plant also had permit effluent limit violations in 2003. A NOV was issued in July 2003 for these violations.

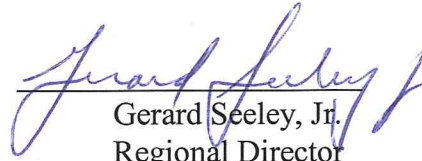
The Order requires plans, financing and construction of a facility upgrade to be completed by September 2006. The Order also provides for interim effluent limits and has a \$7,000 civil charge.

Board Decision

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for :

BFI Waste Systems of VA, L.L.C. (Old Dominion Landfill)
Brunswick County School Board (Meherrin-Powellton Elementary School and Sturgeon Elementary School)
Honeywell International Inc.
IndMar Coatings Corporation
St. Paul's College
Sussex County School Board
Town of Warsaw
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.


Gerard Seeley, Jr.
Regional Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 15 - VRO – VPDES Consent Special Orders

Edward Liggett, VRO enforcement staff, presented and introduced the staff recommendations concerning a proposed Consent Special Order for the Augusta County Service Authority / Fishersville Regional Sewage Treatment Plant.

The Augusta County Service Authority (ACSA) owns and operates the Fishersville Regional Sewage Treatment Plant located in Augusta County. The Permit authorizes the discharge of treated sewage from the STP to Christians Creek. Based on information contained in the Discharge Monitoring Reports for the STP and other information contained in DEQ's file for the facility, DEQ issued a Notice of Violation to the Authority in May 2003, citing violations of the VPDES Permit limits for ammonia, total suspended solids ("TSS") and biochemical oxygen demand ("BOD"). The NOV also cited solids losses to Christians Creek occurring on three occasions in January and February 2003. DEQ issued a second NOV to the Authority in August 2003, citing violations of the VPDES Permit limits for TSS and BOD.

The Service Authority submitted a plan and schedule of corrective action to address the apparent violations. Portions of the plan and schedule, including elements of an active 5.5 million-dollar upgrade to the STP, have been incorporated into the Order. DEQ and the Virginia Department of Health have approved the plans for the STP upgrade and construction commenced in May of 2003. The major component of the upgrade entails replacing the existing secondary clarifiers with two 65-foot diameter clarifiers. The proposed Order requires the ACSA to complete the upgrade to the FRSTP by February 1, 2005, and to maintain optimum solids levels pending completion of the upgrade. The Order includes interim limits for TSS and BOD.

The Order assesses a civil charge of \$4,284. The cash civil charge will be \$1,071. The civil charge would be offset by 75% through the completion of a Supplemental Environmental Project ("SEP"). The SEP amount is \$3,213. The Authority has proposed a SEP under the Pollution

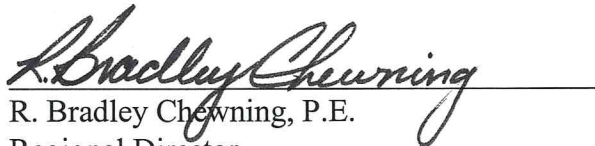
Reduction category. The Authority has proposed the installation of Supervisory Control and Data Acquisition ("SCADA") equipment at the Woodrow Wilson Sewer Pumping Station. The SCADA equipment will remotely and continuously monitor the pumping station and will serve to prevent or minimize accidental sewer overflows. The Woodrow Wilson Pumping Station is connected to the Authority's collection system, thus satisfying the geographic nexus provision of the SEP statute. The SCADA equipment is not otherwise required by law or regulation to be installed. A SEP Analysis Addendum is included in the Board book.

The public notice period for the proposed order closed on February 25, 2004 and no comment was received.

Board Decision

Based on the staff's presentation of the Consent Special Orders and recommendation, the Board unanimously voted to:

1. approve the Consent Special Order and SEP for the Augusta County Service Authority / Fishersville Regional Sewage Treatment Plant;
2. authorize the Director or his designee to sign the Order on its behalf; and
3. authorize the Director or his designee to refer any violations of this Order to the Attorney General's Office for appropriate legal action.


R. Bradley Churning, P.E.
Regional Director
Valley Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 16 - VRO – VPA Consent Special Orders

Edward Liggett, VRO enforcement staff, presented and introduced the staff recommendations concerning proposed Consent Special Orders for Campbell's Septic Tank Cleaning, Inc., Grap Equipment, Inc., and National Fruit Product Company, Inc.

Campbell's Septic Tank Cleaning, Inc. ("Campbell's"), owns and operates a septage pumping, storage and treatment facility under the terms of a permit issued by the Central Shenandoah Health District. The permit authorizes tank storage, stabilization and land application of septage. The permit and State Water Control Law prohibit the discharge of septage to waters of the State. On August 26, 2003, a citizen reported what was suspected of being septage in the South River near Greenville in Augusta County. Staff of DEQ and the Central Shenandoah Health District conducted an investigation at Campbell's land application site and observed a tank truck owned by Campbell's actively spreading septage on the land application site. Staff observed that the field receiving septage sloped toward the South River. DEQ staff photographed septage entering (discharging into) the South River. DEQ staff took in-stream measurements and collected samples of water from the stream; however, DEQ did not document any significant impacts to the receiving stream, including the benthic community.

Under the proposed Order, prior to any land application of septage, Campbell's must have a detailed consultation with all septage haulers concerning the requirements of DEQ, the Virginia Department of Health (Central Shenandoah Health District) and Campbell's Septic Tank Cleaning, Inc., to ensure proper land application and prevention of runoff. The Order also incorporates the septage application rates and setbacks contained in the permit issued to Campbell's by the Central Shenandoah Health District. The Order assesses a civil charge of \$5,000.

The public notice period for the proposed order closed on March 10, 2004 and no comment was received.

On February 11, 2003, DEQ staff investigated a salamander kill in an unnamed tributary to Lake Monticello in Palmyra, Virginia, which occurred on February 9, 2003. During the course of DEQ's investigation, it was discovered that concrete had been discharged to the stream as a result of cleanup operations following the pouring of concrete by Grap. Freshly poured concrete was found in and around a culvert in the stream behind this nearby home. DEQ inspectors determined that the concrete washed out into the stream and caused a sharp increase in the water's pH, which killed the salamanders in violation of State Water Control Law.

The proposed Order assesses a civil charge of \$3,500.

Public notice closed on December 30, 2003 and no public comment was received.

National Fruit Product Company, Inc. / Winchester Plant operates a fruit processing facility near Winchester in Frederick County, Virginia. Under the terms of a VPA Permit, National Fruit land applies fruit processing wastewater on 2 spray field sites. The VPA permit provides that no irrigation of wastewater shall occur between November 15th and March 15th of each year. On March 19, 2003, DEQ staff conducted an inspection of the NF-WP spray field sites after receiving a citizen complaint alleging that wastewater was running off of the spray fields. DEQ staff did not observe wastewater leaving the permitted spray fields. DEQ staff reviewed the spray field records on site and recorded the dates, times and volumes of wastewater that had been irrigated onto the spray fields before March 15, 2003. Based on National Fruit's spray field records, the company irrigated a total of 760,333 gallons of wastewater during 7 separate days prior to March 15, 2003. This action allowed the Company to benefit economically through noncompliance with the VPA permit and a 2001 Consent Order. The civil charge included in the Order recovers a significant portion of this economic benefit of noncompliance. DEQ found no evidence of environmental impact resulting from the violation.

The Order assesses a civil charge of \$8,000. The Order requires alternative methods of wastewater disposal for use during times when the Company's storage facilities are full and when spray irrigation is prohibited under the terms of the VPA permit. NF-WP has expanded its permitted land application area by over 25 percent from its previous area. The expansion acreage became available for use for the first time in the 2003 irrigating season and is expected to preclude recurrence of this violation.

The public notice period for the proposed order closed on March 10, 2004. One comment was received. The comment and staff's response to the comment are included in the Board book. To summarize, the commenter expressed concern that National Fruit land applies more wastewater than allowed by the Permit and that the facility occasionally produces strong odors. The commenter also described a past incident in which wastewater from National Fruit reached a private pond causing some fish to be killed.

In the letter of response, DEQ acknowledged that National Fruit has experienced some wastewater storage capacity problems in the past, which may have led to heavy land application and caused runoff. Staff noted that in a 2001 Order, DEQ cited National Fruit for allowing wastewater runoff from its spray fields and that the Company's recently expanded land application area is expected to solve that problem.


DEQ further noted that we recognize that food processing operations produce organic solids which at times cause odor problems. Staff noted that when we receive odor complaints about National Fruit or other similar DEQ-regulated operations, we investigate to see if the facility is operating in accordance with the terms of its permit. If we find the facility to be in compliance with its permit and that any other reasonable odor control measures have been implemented, DEQ considers the odor to be incidental to the process itself and beyond our regulatory control. Staff's response notes that any odors resulting from noncompliance with the permit would result in the initiation of an enforcement action to correct the violation.

Finally, staff responded that the fish kill incident on private property located near National Fruit described by the commenter appears to be a subject of the 2001 Order in which National Waste was assessed a civil charge for that violation.

Board Decision

Based on the staff's presentation of the Consent Special Orders and recommendation, the Board unanimously voted to:

1. approve the Consent Special Orders for Campbell's Septic Tank Cleaning, Inc., Grap Equipment, Inc., and National Fruit Product Company, Inc.;
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violations of these Orders to the Attorney General's Office for appropriate legal action.


R. Bradley Chewing, P.E.
Regional Director
Valley Regional Office



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON MARCH 23, 2004**

MINUTE NO. 17 – Houff's Feed & Fertilizer Company

Brandon Kiracofe, VRO Water Permit Writer, made the staff presentation regarding the addition of sites to be covered under Houff's Feed & Fertilizer Company VPA Permit No. VPA01566. These sites are additions to agricultural fields currently authorized to receive land application of sludge under the permit. A public hearing was held on February 12, 2004, regarding the proposed addition of sites.

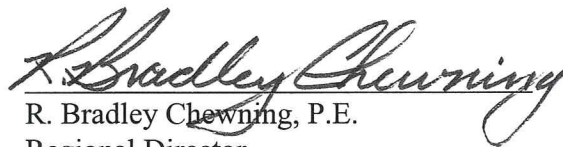
Mr. Kiracofe referred to the agenda item materials in the Board books for detailed discussions of the comments that were received prior to the public hearing and the responses to those comments. He then discussed the comments and information received at the public hearing and prior to the close of the Hearing Record, and the staff's responses to each. No new legal or technical information was received prior to, or as a result of, the public hearing to cause any changes to the proposal to add sites.

Following his presentation, Mr. Kiracofe asked the Board if there were any questions regarding the proposed addition of sites. Several questions were raised by Board members, and Mr. Kiracofe and Mr. Tim Grove, Land Application Project Manager for Houff's, provided responses.

Upon request from the Board, Mr. Kiracofe provided the staff recommendation that the Board authorize the addition of the requested sites to VPA Permit No. VPA01566.

Board Decision

By a vote of five to zero, the Board voted to authorize the addition of the requested sites as approved under VPA Permit No. VPA01566 issued to Houff's Feed & Fertilizer Company.


R. Bradley Churning, P.E.
Regional Director
Valley Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
www.deq.state.va.us

Robert G. Burnley
Director
(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 18 – Cowpasture River Tier III


Jean Gregory of the Office of Water Quality Programs provided the Board a summary of comments received from the potentially impacted localities and riparian landowners and the general public regarding a citizen petition from the Cowpasture River Preservation Association for Tier III, Exceptional State Waters designation of a section of the main stem of the Cowpasture River and the entire length of Simpson Creek which is a tributary to the Cowpasture. One of the three potentially impacted counties, Bath County, was opposed to the designation; the town councils for Iron Gate and Clifton Forge and Highland County, which is located upstream of the proposed area for designation, supported the Bath County position. Another potentially impacted locality - Alleghany County - was in support of the nomination. The U.S. Forest Service wrote in support of the Cowpasture nomination but said they could not support the Simpson Creek nomination. Staff received 883 citizen responses by letter, e-mail and petition signatures. 79% were in support of the nomination and 21% were in opposition with the highest percentage in support in Alleghany County and the highest percentage in opposition in Bath County.

She also advised the Board of the results of the staff site visits made to these waters to determine whether the waters met the eligibility criteria. She said that the consensus of the agency site visit team was that the entire nominated segment of the Cowpasture River met the eligibility criteria, as did the tributaries of Simpson Creek that were visited, but the main stem of Simpson Creek did not meet the exceptional environmental setting criterion.

Decision

By unanimous vote the Board directed staff:

1. To work with the petitioner and the community to redefine the scope of the nomination and to report back to the Board at their next scheduled meeting.


Larry G. Lawson, P.E.
Director, Water Quality Division



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF March 23, 2004

MINUTE NO. 19 – Regulations – General VPDES Permits – Confined Animal Feeding Operations - Proposed

Jon van Soestbergen, Director of the Office of Water Permit Programs, introduced the staff recommendation concerning approval of draft proposed VDPES general permit regulation 9VAC25-191, draft reissuance of VPA general permit regulation 9VAC25-192, and draft amendments to VPA general permit regulation 9VAC25-630, and requested authorization to proceed to public notice and public hearing on these regulations.

Board Decision

The Board voted unanimously to approve the following draft general permit regulations and authorized staff to proceed to public comment and public hearing:

- 9VAC25-191 – General VPDES Permit Regulation for Concentrated Animal Feeding Operations
- 9VAC25-192 – VPA General Permit Regulation for Animal Feeding Operations
- 9VAC25-630 – VPA General Permit for Poultry Waste Management

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director, Division of Water Programs Coordination



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

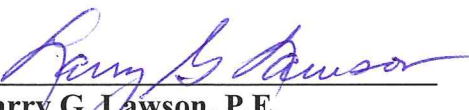
EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF MARCH 23, 2004

MINUTE NO. 20 - Regulations - General VPDES Permits - Discharges of Storm Water - Final

Prior to the meeting the Board was provided with revised drafts of the VPDES construction activity storm water general permit regulation (VAC 25-180) and the VPDES industrial activity storm water general permit regulation (9 VAC 25-151), a summary of the significant changes to each regulation, and the staff's summary of public comments and responses. During the meeting the Board was provided with an additional amendment to the industrial activity general permit regulation. Burton Tuxford gave the staff presentation and discussed the noteworthy changes to each regulation, and requested that the Board adopt the regulations as final.

Board Decision

Based on the briefing material, the material presented at the meeting, and the staff presentation, the Board voted unanimously to adopt the amendment to the General VPDES Permit for Discharges of Storm Water From Construction Activities (9 VAC 25-180-10 et seq.), and the amendment to the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated With Industrial Activities (9 VAC 25-151-10 et seq.) This action was taken with the assertion that the Board will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision of the regulations.


Larry G. Lawson, P.E.
Director, Division of Water Quality



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 21 - Regulations - Final - General VPDES Permit for Nonmetallic Mineral Mining

The staff presented the Nonmetallic Mineral Mining General VPDES Permit Regulation, 9 VAC 25-190, amended for general permit reissuance, as a final regulation and recommended that the Board adopt it as amended.

Board Decision

The Board voted unanimously to adopt the General VPDES Permit Regulation for Nonmetallic Mineral Mining, 9 VAC 25-190-10 et seq., as amended, and to receive, consider and respond to petitions by any interested persons at any time with respect to reconsideration or revision of this regulation.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director, Water Quality Division



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 22 – Public Participation Procedures for Water Quality Management Planning

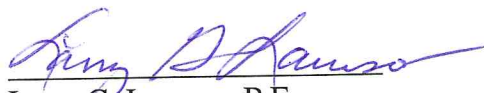
Jutta Schneider, with the DEQ Office of Water Quality Programs, presented proposed changes to the public participation guidance manual for water quality management planning. Since its first approval by the Board in May 2002, several sections in the document were identified that required modification. All proposed changes, together with the revised procedures, appendices and the public comments received, were described in the Board Memorandum dated March 5, 2004.

The revised document is called "Public Participation Procedures for Water Quality Management Planning", or "the Procedures". The most significant modification pertained to the Board actions required in the Procedures. The previous guidelines required adoption of the entire TMDL. Staff proposed that the Board need only adopt as a regulation the Waste Load Allocation portion of the TMDL. The rationale for this change is that the WLA is the only portion of the TMDL that imposes a requirement for action, since federal regulation (40 CFR 122.44(d)(1)(vii)(B)) requires, "effluent limits to be consistent with assumptions and requirements of any available WLA for the discharge prepared by the state and approved by EPA pursuant to 40 CFR 130.7."

The Procedures provide for an exception to the regulatory adoption of WLAs. In some TMDLs, the stream impairment is due to a pollutant, for example bacteria, where the effluent limits of treated waste water are equivalent to the stream numeric criteria contained in the Virginia Water Quality Standards. Such WLAs as well as all LAs and the Margins of Safety are considered planning tools. They will be presented as part of their respective TMDL reports for the Board to approve as the plan for attaining water quality goals and to authorize inclusion in the appropriate water quality management plans.

SUMMARY OF ACTIONS

Based upon the information provided to the Board and the staff recommendation, the Board approved by unanimous vote the changes as presented in the "Public Participation Procedures for Water Quality Management Planning".


Larry G. Lawson, P.E.
Director, Water Quality Division



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

MINUTE NO. 23 - Water Quality Management Planning Regulation

Charles Martin, with the DEQ Office of Water Quality Programs presented the background on Board actions at the March 23rd 2004 SWCB meeting.

Staff proposed the first board actions involving approvals and adoption of Total Maximum Daily Loads (TMDLs).

These proposed board actions were public noticed in the Virginia Register February 9th as 9 TMDL reports for approval and 24 TMDL WLAs to be incorporated into the amended WQMP regulation. Based on a written comment from a stakeholder, staff decided to withhold a TMDL report, that contains 6 TMDLs, for possible further discussions with a stakeholder. Staff plans to bring this report and the 6 TMDLs to the Board for action in June, along with a number of other TMDLs.

II. Public Participation

The eight TMDL reports that contain eighteen TMDL WLAs have been developed in accordance with the public participation requirements of the Federal Regulations (40 CFR §130.7).

These 8 TMDL reports including 18 TMDL WLAs have been through the extensive TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning presented in the previous agenda item.

Two written comments were received from stakeholders. On one it was decided to withhold the TMDL report, containing 6 TMDLs, for the possible further discussions. The other comment was from a stakeholder whose facility discharges an insignificant amount of the pollutant. The TMDL shows additional pollutant reductions are not necessary for this facility.

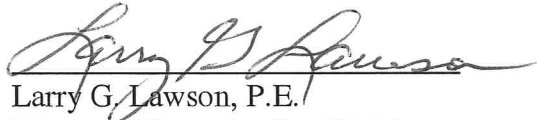
III. Staff Recommendations:

1. Staff recommended the Board approve the portions of the eight TMDL reports in the packet (Attachment II) as the plan to implement the pollutant reductions necessary for the attainment of water quality goals.

2. Staff recommended the Board authorize staff to update the appropriate basin or area wide WQMPs to incorporate the Board approved portions of the eight TMDL reports pursuant to EPA's WQMP reg 40 CFR §130.7(d)(2).
3. Contingent upon review and approval by the Office of the Attorney General, staff recommended the Board adopt the amended WQMP Regulation (9 VAC 25-720) to include eighteen TMDL waste load allocations included as Attachment III in the information provided the Board.

SUMMARY OF ACTIONS

Based upon the information provided to the Board and the staff recommendation, the Board approved by unanimous vote the changes as presented in the "Public Participation Procedures for Water Quality Management Planning".


Larry G. Lawson, P.E.
Director, Water Quality Division

"see note on next page"

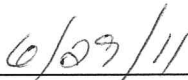
NOTE TO FILE ON MINUTE 23 FROM THE STATE WATER CONTROL BOARD
MEETING ON MARCH 23, 2004

The action stated in Minute Number 23 is incorrect and actually applies to Minute 22.
The correct statement of action for Minute Number 23 is:

Based upon the information provided to the Board and the staff recommendation,
the Board unanimously approved the staff recommendations.



Cindy M. Berndt, Director, Office of Regulatory Affairs



Date



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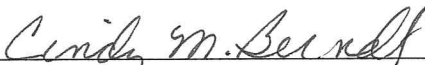
Robert G. Burnley
Director

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1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

Minute No. 24 – Public Forum

No persons appeared during the public forum.


Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

Minute No. 25 – Update on the Underground Storage Tank Program

At the request of the Board, Mr. Fred Cunningham provided a brief update on the Underground Storage Tank Program. Information was provided on the current status of cleanup, compliance, inspection, and reimbursement activities. Staff also responded to a number of follow up questions and comments by the Board.

A handwritten signature in blue ink, reading "Larry G. Lawson", written over a horizontal line.

Larry G. Lawson



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON MARCH 23, 2004


MINUTE 26 - FY 2004 Supplemental Brownfield Remediation Loan Authorization

Mr. Walter Gills, Program Manager of the Board's Construction Assistance Program, made a presentation to the Board based on a memorandum dated March 2, 2004. Mr. Gills began by briefly summarizing the history of the Brownfield Remediation Loan Program. He explained that, in accordance with the program guidelines, the staff had recently undertaken a second application solicitation for FY 2004 and had received one new application for \$960,000 from The Peck Company. He informed the Board that he had met with the company, completed a review of the application, and determined the project to be a good candidate for funding.

The Board had a number of questions about the project, the financing arrangements, and the Brownfield's Remediation Loan Program and Mr. Gills addressed those questions.

Based on the briefing material, staff presentation, and the staff recommendation, the Board voted 3 in favor (Wampler, Futrell, Pfeiffer), one opposed (Baise), and one abstained (Bryan) to:

Authorize a loan of \$960,000, at an interest rate of 3% for a term of 20 years, to The Peck Company, contingent upon a satisfactory credit analysis by the Virginia Resources Authority.


Larry G. Lawson, Director
Division of Water Quality



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 23, 2004

Minute No. 27 – Future Meetings

The Board set June 17 and August 31, 2004 as the dates of their next regular meetings. In addition, the Board set April 23, 2004 as the date of a special meeting.



Cindy M. Berndt